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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,037	03/26/2004	Miroslav R. Petrov	6570P035	7811

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EXAMINER

HASSAN, RASHEDUL

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>10/815,037</p>	<p>Applicant(s)</p> <p>PETROV ET AL.</p>	
	<p>Examiner</p> <p>Rashedul Hassan</p>	<p>Art Unit</p> <p>2109</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 is dependent on itself. Furthermore, the claim recites the limitation "the application" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-19 and 25-30 are rejected as being directed to non-statutory subject matter.

For claims 17-19, a graphical user interface per se has been claimed. A graphical interface per se, is considered to be a non-functional descriptive material. A non-functional descriptive material is considered to be non-statutory since it does not impart

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any functionality to the computer. Hence the claims have been rejected for being directed to non-statutory subject matter.

For claims 25-30, an electronically accessible medium providing instructions for carrying out the steps of the invention has been claimed. However, according to the disclosure, system interconnection 1270 which includes optical, electronic, acoustical, and other propagated signal lines (specification, [00081]), provides communication between various elements of computing device 1200 and thus constitutes an electronically accessible medium providing instructions for carrying out the steps of the invention. This raises the rebuttable presumption that the applicant intends to include signal or carrier waves as the claimed "electronically accessible medium". Since a signal or carrier wave is not a tangible physical article or object to constitute a machine, manufacture or composition of matter, and it is not a process either, these claims do not fall within a statutory category of invention and thus rejected as being directed to non-statutory subject matter under the meaning of 35 U.S.C 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 13-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al. (US 2002/0091819 A1) hereinafter Melchione.

For claims 1 (method), 10 (apparatus), 17 (graphical user interface), 20 (system) and 25 and 30 (both an article of manufacture), Melchione teaches displaying a hierarchical tree structure having one or more tree nodes in a graphical user interface, each of the one or more tree nodes representing a resource of an application server (nodes "Agent", "VirusScan for Win9x", "Demo Application" in Fig. 4 and 5), wherein at least one of the tree nodes represents a service of the application server ("VirusScan for Win9x" in Fig. 4 and 5); selecting the tree node representing the service of the application server (selection "E-Mail scan" service as shown in Fig. 5); and displaying a list of one or more service references associated with the service represented by the selected tree node in the graphical user interface (multiple service references as shown in window pane 406B in Fig. 5).

It is noted that 35 U.S.C 112, sixth paragraph has been invoked for claims 20-24 due to the use of means plus function language used for drafting these claims.

For claim 2, Melchione further teaches displaying the hierarchical tree structure having one or more tree nodes in the graphical user interface comprises:

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displaying the hierarchical tree structure in a first window pane of the graphical user interface (404A in Fig. 4 and 404B in Fig. 5); and wherein displaying the list of one or more service references associated with the selected tree node in the graphical user interface comprises: displaying the list of one or more service references associated with the service represented by the selected tree node in a second window pane of the graphical user interface (406A in Fig. 4 and 406B in Fig. 5).

For claims 3 (method), 13 (apparatus), 21 (system) and 26 (article of manufacture), Melchione further teaches displaying the list of one or more service references associated with the selected tree node comprises: displaying a service reference name, for each listed service reference, wherein the service reference name is to identify the service reference ("Prompt for user action", "Move infected files automatically", "delete infected files automatically" etc. are considered as names for these service references as shown in Fig. 5).

For claims 4 (method), 10 (apparatus), 14 (graphical user interface), 22 (system) and 27 (article of manufacture), Melchione further teaches displaying the list of one or more service references associated with the selected tree node further comprises: displaying a relationship value, for each listed service reference, wherein the relationship value is to specify whether the listed service reference is to be automatically started when the service represented by the selected tree node is started (the status of the radio buttons and check boxes constitute a relationship value that specify whether the

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associated service reference is to be automatically started when the service represented by the selected tree node is started).

For claims 5-6 (method), 15 (apparatus), 23 (system) and 28 (article of manufacture), Melchione further teaches the displayed relationship value is hard, if the listed service reference is to be automatically started when the service represented by the selected tree node is started (selected status of the radio buttons and check boxes constitutes a hard relationship value); and the displayed relationship value is weak, if the listed service reference is not automatically started when the service represented by the selected tree node is started (unselected status of the radio buttons and check boxes constitutes a hard relationship value).

For claims 7-8 (method) and 29 (article of manufacture), Melchione further teaches displaying the list of one or more service references associated with the selected tree node further comprises: displaying a service reference type for each listed service reference, wherein the service reference type is to specify a service reference type for the listed service

Reference because the displaying the name of each listed service reference also serves as displaying the type of the service reference. As shown if Fig. 5, the name of the depicted service references specifies the type of the service references as a "service" type.

For claims 9 (method), 16 (apparatus) and 9 (system), Melchione further teaches selecting one of the listed service references; and providing a relationship value for the selected service reference to specify whether the selected service reference is to be automatically started when the service represented by the selected tree node is started (pointing and clicking the mouse button to activate a radio button or check box constitutes selecting one of the listed service references and providing a relationship value).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione.

For claim 19, Melchione teaches using a cursor control device to select one of the listed service references but does not teach that a pull-down menu providing one or more alternative relationship values becomes available within the graphical user interface as the cursor control device selects one of the listed service references. However, using a pull-down menu is a well-known mechanism for providing many choices to the user to choose from. Melchione teaches using such a pull-down menu in

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Fig. 4 for selecting from multiple install packages for virus scanning. This same pull-down menu could have been used to seek a relationship value from the user for the service reference "prompt for user action". For example, displaying the service reference with the name "prompt for user action when" and then presenting a pull down menu next to it with the choices "delete file", "move file", "clean file" and "continue scan". Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to utilize a pull-down menu to provide one or more alternative relationship values to the user. The motivation would have been to provide many choices in a limited display space.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione in view of Digiorgio et al. (US 2001/0005201) hereinafter Digiorgio.

For claim 11, Melchione does not teach that the graphical user interface is a Swing-based graphical user interface. However, the Java Swing technology was well known and widely used technology in the art for creating graphical user interface at the time of the invention. Digiorgio teaches displaying a GUI using Java Foundation Classes (JFC) that uses "Swing" ([0052]). Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Melchione's teaching with that of Digiorgio to utilize a Swing-based graphical user interface. The motivation would have been to achieve portability among various platforms and simplify implementation (Digiorgio, [0052]).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione in view of Ismael et al. (US 6,061,721) hereinafter Ismael.

For claim 12, Melchione does not teach that each of the one or more tree nodes comprises a managed bean to provide a management interface for the represented application server resource. Ismael teaches a bean-based management system that uses managed beans to abstract, control and monitor system resource using a graphical user interface. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Melchione's teaching with that of Ismael to use managed beans as tree nodes to provide a management interface for the represented application server resource. The motivation would have been to utilize the reusable component feature of a bean object and develop a more flexible network management environment (Ismael, column 2 lines 3-5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-Th 7:30AM-5PM EST and Alt Fri 7:30AM-5PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-9821. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Rashedul Hasssan)



JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER